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Mayor Charles Henderson called the meeting to order at 6:02 p.m.

PRESENT: Board members Mayor Henderson, Kevin Hoover; City Attorney Shawna Koons-Davis; Director of Engineering Paul Peoni; and Deputy Clerk Kathie Fritz.  
Board member Warren Beville was absent.

Mr. Hoover moved to approve the minutes of the regular session of February 9<sup>th</sup>.  
Second by Mayor Henderson. Vote: Ayes.

HR Coordinator Katie White-Knartzer brought forward a memo from HR Director Bill Jackson (in attachments of this meeting) regarding a renewal of the medical group health plan for City employees. A committee composed of Mr. Jackson, the HR Coordinator, the Fire Chief, the Chief of Police, the Director of Operations and the City Attorney examined our present coverage and all proposals submitted. The committee requested proposals that included plans for self insured, fully insured and a fully insured HMO. Based on Mr. Jackson's recommendation after a review of all proposals, Mr. Hoover moved to retain Unified Group Services as out Third Party Administrator, remaining a self insured plan with an \$80,000 specific stop loss level and adding an Organ Transplant Option as recommended by the Director of Human Resources. Second by the Mayor. Vote: Ayes. Motion carried.

John Grimes of Projects Plus came forward for The Villages of Grassy Creek, Section 7, to ask for acceptance of a performance bond for erosion control, acceptance of an offsite plat-over sanitary sewer and drainage easement, and execution of the offsite easement. Mr. Peoni noted that normally for a storm sewer or sanitary sewer easement we get a 20' wide easement. They want to give a legal description for the entire remaining parcel, which is quite a few acres of land. Mr. Peoni stated it would definitely be easier to prepare and to review, knowing that when the plat is recorded, only the area for the easement remains. Mr. Peoni had no objection. The performance bond is in the proper form, with the proper amount and improvement shown. The legal description and graphic exhibit for the offsite plat-over easement are correct. The body of the document has not yet been prepared by the Law Department because it has not yet been submitted to them. Mr. Hoover moved to:

- 1) Accept performance bond #5021035 from Bond Safeguard Insurance Company in the amount of \$80,298 for the installation of the erosion control at The Villages of Grassy Creek, Section 7.
- 2) Accept a variable plat-over offsite sanitary sewer and drainage easement, all contingent upon:
  - a) Preparation, by the Law Department, of the variable offsite plat-over sanitary sewer and drainage easement.
  - b) Execution of the plat-over easement by all appropriate parties.

Second by the Mayor. Vote: Ayes.

Concerning Precedent South Business Center, Section 1, Block 3 Mr. Grimes told the Board that their client was unable to get the signatures required for the plat and asked for a continuance to the next meeting. Mr. Hoover moved to continue the matter until the March 9<sup>th</sup> meeting. Second by the Mayor. Vote: Ayes.

As to Greenwood Station, Section 1A, Mr. Grimes explained that they are switching bonding companies and are asking for acceptance of performance letters-of-credit (LOC's) and release of the performance bonds for the street surface, tack coat, sidewalks and signs & monuments. The amounts and improvements shown on the performance LOC's are correct and the form has been approved by the Law Department. Mr. Hoover moved to:

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- 1) Accept performance LOC #MSS-040-06 from Caden Financial Corporation in the amount of \$23,982.20 for the installation of the sidewalks at Greenwood Station, Section 1A.
- 2) Release performance bond #104014954 with rider in the amount of \$23,982.20 from Travelers Casualty and Surety Company of America for the installation of the sidewalks at Greenwood Station, Section 1A.
- 3) Accept performance LOC #MSS-038-06 from Caden Financial Corporation in the amount of \$3,867.20 for the installation of the survey monuments & street signs at Greenwood Station, Section 1A.
- 4) Release performance bond #104014947 with rider in the amount of \$3,867.20 from Travelers Casualty and Surety Company of America for the installation of the survey monuments & street signs at Greenwood Station, Section 1A.
- 5) Accept performance LOC #MSS-039-06 from Caden Financial Corporation in the amount of \$12,805.38 for the installation of the asphalt surface and tack coat at Greenwood Station, Section 1A.
- 6) Release performance bond #104014953 with rider in the amount of \$12,805.38 from Travelers Casualty and Surety Company of America for the installation of the asphalt surface and tack coat at Greenwood Station, Section 1A.

Second by Mayor Henderson. Vote: Ayes.

Mr. Grimes brought an identical request for Greenwood Station, Section 2. They are asking for acceptance of performance letters-of-credit (LOC's) and release of the existing performance bonds. The amounts, improvements shown and form of the LOC's are acceptable. Mr. Hoover moved to:

- 1) Accept performance LOC #MSS-043-06 from Caden Financial Corporation in the amount of \$47,008.50 for the installation of the sidewalks at Greenwood Station, Section 2.
- 2) Release performance bond #104014951 in the amount of \$48,008.50 from Travelers Casualty and Surety Company of America for the installation of the sidewalks at Greenwood Station, Section 2.
- 3) Accept performance LOC #MSS-041-06 from Caden Financial Corporation in the amount of \$1,963.50 for the installation of the survey monuments & street signs at Greenwood Station, Section 2.
- 4) Release performance bond #104014955 in the amount of \$1,963.50 from Travelers Casualty and Surety Company of America for the installation of the survey monuments & street signs at Greenwood Station, Section 2.
- 5) Accept performance LOC #MSS-042-06 from Caden Financial Corporation in the amount of \$18,964 for the installation of the asphalt surface and tack coat at Greenwood Station, Section 2.
- 6) Release performance bond #104014956 in the amount of \$18,964 from Travelers Casualty and Surety Company of America for the installation of the asphalt surface and tack coat at Greenwood Station, Section 2.

Second by the Mayor. Vote: Ayes.

With respect to Calvert Farms, Section 1, Paul Maurer of Maurer Surveying asked the Board for a 15 Year Law Sewer Service Agreement. Mr. Maurer noted that this is a 190-lot plat. In the construction plans that are under review, Calvert Farms is to extend the 15" line to the end of Section 1 with the anticipation of extending it to Mullinix for future users, said Mr. Maurer. Mayor Henderson moved to direct the staff to prepare a 15 Year Law Sewer Service Agreement for Calvert Farms, Section 1 and authorize the Mayor to sign. Second by Mr. Hoover. Vote: Ayes.

Representing Kensington Grove, LLC, Mr. Maurer requested a sanitary sewer extension to include two parcels. He pointed out that these parcels are totally surrounded by Kensington Grove and showed the planned extension on an exhibit. Mr. Maurer stated that the developers acquired the two parcels after the subdivision was developed and now want to extend the line to serve two future houses. Mr. Hoover moved to direct staff to prepare two Single-Service Sewer Agreements for those two parcels as described. Second by the Mayor. Vote: Ayes.

For Olive Branch Parke, Bob Lane of Wilderness Development asked for acceptance of the sanitary sewers, acceptance of the maintenance bond and release of the performance letter-of-credit (LOC). Mr. Peoni confirmed that the sanitary sewers have been satisfactorily installed. The improvement and amount shown on the maintenance bond are correct. The bond form has been approved by the Law Department; however, it dated November 10, 2005. Mr. Peoni explained that there were problems in the field last fall when they attempted to do this. The 15 Year Law fees to Stones Bay offsite (El Dorado) and the outside engineering review fees have been paid. Minor revisions are needed on the as-builts. Mr. Hoover moved to:

- 1) Accept the Gravity Sanitary Sewers only at Olive Branch Parke (the force main portion is private).
- 2) Accept three (3) year maintenance bond #1011492 from Lexon Insurance Company in the amount of \$10,945 for the sanitary sewers at Olive Branch Parke.
- 3) Release performance LOC #20000008597 in the amount of \$54,725 from Old National Bank for the installation of the sanitary sewers at Olive Branch Parke, all subject to:
  - a) Receipt of revised mylar as-builts (2 sets).
  - b) Payment of final Inspection & Testing fees.

Second by Mayor Henderson. Vote: Ayes.

Donna Smithers of Northpointe Surveying represented Demaree Road Partners to ask for a revision to the 15 Year Law Sewer Service Agreement for the proposed Cobblestone Development. Ms. Smithers detailed changes to four items. On page 1 of the Agreement they request the reference to 62 single-family homes for Section 1 be changed to 40 lots. Also on page 1, they ask that the maximum of 175 single-family lots to a maximum of 120. On page 2 they request the date of December 31, 2006 be changed to December 31, 2011. On page 10, they request that the date of December 31, 2002 be changed to December 31, 2007. Ms. Smithers sent letters to Ms. Koons-Davis and Mr. Peoni and highlighted the areas within the Agreement that they would like changed. The City Attorney indicated that other references throughout the Agreement will have to be changed as a result of this request. She added that there will probably have to be a new or revised engineering report with a new file date. Ms. Smithers explained that on page 2, it states "...the reservation of capacity for the future sections as provided herein shall be null and void if the future sections are not connected to the City's sanitary sewer system...on or before December 31, 2006...". Page 10 states that "...this Agreement is null and void if the connection of Cobblestone systems...is not completed on or before December 31, 2002 or at a later date agreed to by the City...". Mr. Hoover moved to grant the request and to direct staff to prepare a revised 15 Year Law Sewer Service for Cobblestone and authorize the Mayor to sign on the Board's behalf. Second by the Mayor. Vote: Ayes.

On behalf of the Villages of Lone Pine, Robert Barker of Zinkan & Barker Developing Company, requested a Sewer Service Agreement. Mr. Hoover moved to direct staff to prepare a Sewer Service Agreement for the Villages of

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Lone Pine and authorize the Mayor to sign on the Board's behalf. Second by the Mayor. Vote: Ayes.

Brian Crostreet of T & W Corporation, representing Rama II Convenience Center, asked the Board for acceptance of improvements, release of performance bonds and a waiver of a maintenance bond. Mr. Peoni indicated that the infrastructure and the mylars are acceptable. He stated that the petitioner is requesting a waiver of the three (3) year maintenance bond as the sidewalks have been in for over five years. Mr. Peoni mentioned that his paperwork does not show that a sidewalk easement was actually put in place, as revisions had been needed. Mr. Hoover moved to:

- 1) Acknowledge that the private improvements of dirtwork, storm sewers and erosion control have been installed in reasonable compliance with the approved site plans for the Rama II Convenience Center.
- 2) Accept the public sidewalks along S.R. 135 at the Rama II Convenience Center once a public sidewalk easement is executed.
- 3) Release performance bond #3572543 in the amount of \$55,291 from the Ohio Casualty Insurance Company for the installation of the private dirtwork, storm sewers, erosion control and the public sidewalks along S.R. 135 at the Rama II Convenience Center, all subject to:
  - a) Determination on the requirement of the three (3) year maintenance bond for the sidewalks along S.R. 135.
  - b) Receipt, review, approval and acceptance of a sidewalk easement for the sidewalks along S.R. 135.

Second by Mayor Henderson. Vote: Ayes.

Mr. Crostreet had a similar request for Walgreen's on S.R. 135 – acceptance of improvements, release of performance bonds for dirtwork, storm sewers, erosion control and sidewalks and a waiver of the maintenance bond. Mr. Peoni told the Board that in this case the sidewalk on this project was part of a recorded plat, so a separate document was not needed. Mr. Crostreet indicated that the project was completed May 31, 2001. Mr. Peoni confirmed that the improvements appear to have been satisfactorily installed and the Engineering Department has acceptable as-builts. Mr. Hoover moved to:

- 1) Acknowledge that the private improvements of dirtwork, storm sewers and erosion control have been installed in reasonable compliance with the approved site plans for the Walgreen's site on Lot #1 – Schoolcraft Corners.
- 2) Accept the public sidewalks along S.R. 135 at the Walgreen's site on Lot #1 – Schoolcraft Corners.
- 3) Release performance bond #3572510 in the amount of \$67,551 from the Ohio Casualty Insurance Company for the installation of the private dirtwork, storm sewers, erosion control and the public sidewalks along S.R. 135 at the Walgreen's site on Lot #1 – Schoolcraft Corners.
- 4) Waive the requirement for a three (3) year maintenance bond for the sidewalks along S.R. 135, as they have been in place for a sufficient amount of time.

Second by the Mayor. Vote: Ayes.

For Family Video at Madison Avenue & Fry Road, Mr. Crostreet requested acceptance of improvements, release of performance bonds for dirtwork, erosion control and sidewalks and waiver of the maintenance bond. Mr. Peoni explained that the sidewalks along Fry Road were on the approved site plan but design had started on the pending Fry Road Reconstruction Project. His records show, he said, that Planning Director Ed Ferguson told them not to put the sidewalks in at that point in time. They were given a two-year time frame for the reconstruction project, and they were to install the sidewalks if the project had not gone forward. They posted a performance bond. Mr. Peoni suggested a restrictive donation

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since the road reconstruction project has not started. In response to the Mayor, Mr. Peoni said that the length of the sidewalk was to be 273' and the bond amount was roughly \$3,300 at that time. Mr. Hoover moved to:

- 1) Acknowledge that the private improvements of dirtwork, storm sewers, erosion control and sanitary sewers have been installed in reasonable compliance with the approved site plans for the Family Video site.
- 2) Release performance bond #3-572474 in the amount of \$3,020.40 from the Ohio Casualty Insurance Company for the installation of the private sanitary sewer at the Family Video site.
- 3) Release performance bond #3-572472 in the amount of \$31,085.11 from the Ohio Casualty Insurance Company for the installation of the private dirtwork, storm sewers and erosion control at the Family Video site.
- 4) Waive the conditions for the potential installation of the sidewalks along Fry Road at the Family Video site.
- 5) Release performance bond #3-572473 in the amount of \$3,303.30 from the Ohio Casualty Insurance Company for the installation of sidewalks along Fry Road at the Family Video site.

Second by Mayor Henderson. Vote: Ayes.

Code Enforcement Officer John Myers reported that that the complaint at 103 Totten Drive has been abated.

As to the second complaint, Mr. Myers recounted that a complaint from a neighbor, John Holbrook, was called in about 3186 W. Smith Valley Road on 1/20/06. A commercial refrigerator with four doors, some standing open, has been sitting in the front yard for 6 months or more. The lady next door operates a day care, so the children are outside playing at times. The owner of the property, Jerry King, operates the East Buffet across the street and has several people living in the house. On January 20<sup>th</sup>, Code Enforcement talked with Mr. King, left a business card and explained the violation. Mr. King also stated that the refrigerator was too tall to move into the garage. On February 9<sup>th</sup> pictures were taken of the unsecured refrigerator, showing that dead tree branches were holding doors partly closed. Mr. King told Code Enforcement that he needed ten more days to have friends with a jack remove the 1,000-pound refrigerator. On February 9<sup>th</sup>, Mr. Myers sent a certified letter for Mr. King to appear at today's Board meeting. It was received on February 13<sup>th</sup>. Inspections on February 20<sup>th</sup> and February 23<sup>rd</sup> show that the refrigerator is still at that location. Mr. Hoover moved to find that a public safety hazard (an unsecured refrigerator) exists at 3186 W. Smith Valley Road, to direct a 7-Day Letter of Abatement, and failing that, that the City Attorney take all steps she deems appropriate to remedy the situation and charge the costs back against the property owner. Second by the Mayor. Vote: Ayes.

From the audience, Allison Randolph of the Old Towne Greenwood Association was invited to discuss the Farmers' Market, to begin approximately April 1<sup>st</sup> (a Saturday) and continuing on Wednesdays as well beginning in May. Mr. Hoover moved to approve the Farmers' Market under terms and conditions approved by the City Attorney. Second by Mayor Henderson. Vote: Ayes.

Ms. Randolph also requested permission for the Street Fair on June 24<sup>th</sup> from 9:00 a.m. to 4:00 p.m. on Machledt Drive. Mr. Hoover moved to grant permission for the use of Machledt Drive and the surrounding area on June 24<sup>th</sup> for the Street Fair, to waive the vendor fee (although City permits will be required), subject to getting all appropriate information and the indemnification agreement. Second by Mayor Henderson. Vote: Ayes.

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Fire Chief Steve Dhondt to report on bids for two new Fire Trucks received on December 19<sup>th</sup>. Staff has been reviewing the bids carefully to see if they meet Department requirements. Chief Dhondt indicated that they found that the low bidder had an appropriate bid. Pierce Manufacturing, Inc. of Appleton, Wisconsin submitted the following:

Base Bid Triple Combination Custom Pumper	\$502,363.49
Base Bid 95' Mid Mount Aerial Platform	\$832,040.44
Discount for Partial Early Payment	- \$32,808.00

Total Contract Amount	\$1,301,595.00
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This equipment replaces the aerial device that runs out of Headquarters and purchases a new engine for the Fire Station on Graham Road, said Chief Dhondt. The bid also includes most of the loose or ancillary equipment. There is additional loose equipment, added the Chief, which has been purchased out of the bond issuance. The bond sale has been completed and the proceeds have been deposited into the City's account as of January 6, 2006. Chief Dhondt indicated that the other bidder was \$114,000 higher on their bid. He then told the Board that letting the proceeds sit in the bank in a 6-month CD would yield about \$29,026. Mr. Hoover moved to find Pierce Manufacturing the lowest responsive and responsible bidder for the new fire equipment as described, to award the contract to Pierce, which the Chief at his discretion, utilize use the partial early payment option, and use the bond sale proceeds to pay for the equipment. Second by Mayor Henderson. The early payment would be \$800,000 of the total. Chief Dhondt told the Board that Pierce also has to post a 100% performance guarantee for the project, and the City would still have 40% payment that would not be due until both trucks were delivered and received in Greenwood. Chief Dhondt told the Board that Pierce thinks the trucks can be delivered about September 1<sup>st</sup>. The old aerial will be sold once the new one is in service. The bond for the trucks is ten years and six months, said Chief Dhondt, in reply to the Mayor. Vote: Ayes.

Next Chief Dhondt brought the 2006 contract to serve the unincorporated areas of Pleasant Township through the Trustee's Office. The contract terms and conditions are the same as they have been – from January 16, 2006 through January 15, 2007. The terms are \$12,000 for the entire year. Pleasant Township sets the tax rate for fire protection at the lowest allowable rate, so they actually earn a little more than the contract amount. The Township Advisory Board then meets with Chief Dhondt about a possible purchase for our Fire Department. Mr. Hoover moved to approve the contract with Pleasant Township subject to the City Attorney's final review and approval. Second by Mayor Henderson. Vote: Ayes.

Sanitation Superintendent Keith Meier, concerning the Eastside Interceptor, Phase IIA, with Atlas Excavating, brought a Change Order for field measurements (It has been reviewed by the project engineer). Mr. Meier recalled that in February, 2005, the Board approved an estimate of \$190,000 additional funds for the projects. The change order is for \$115,076.77. Mr. Hoover moved to approve the Change Order from Atlas Excavating in the amount of \$115,076.77 as described, with the Mayor authorized to sign on the Board's behalf. Second by the Mayor. Vote: Ayes. This brings the final contract price to \$8,503,036.94, noted Mr. Meier.

Director of Operations Norm Gabehart brought up a claim from Dawn Akard which had been discussed at a recent Board meeting. There was a sewer backup at her apartment on Woodale Terrace on October 21<sup>st</sup>. After meeting with Ms. Akard and reviewing her claim, also corresponding with some of those involved, Mr. Gabehart recommended reimbursement in the amount of \$2,148.

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He told Ms. Akard he would be recommending this for approval at today's meeting. Mr. Hoover moved to adopt the recommendation of the Director of Operations, in a form approved by the City Attorney, to issue a check in the amount of \$2,148 out of Sanitation Operating Funds. Second by the Mayor. Vote: Ayes.

On her Status of Tasks, Ms. Koons-Davis recalled that on February 14, 2006 the Human Resource Director determined that the City of Greenwood should renew its contract with the IOA Re for Stop Loss medical insurance coverage and with Individualized Care Management, Inc. for medical utilization management services. The effective date of the renewals is March 1, 2006; however, to lock in the rates and fees quoted for renewal, the City was required to execute Disclosure statements within twenty-four hours of presentation. Forman contracts setting forth the detailed terms and conditions of these services shall be prepared and executed prior to March 1, 2006 should the Board act to renew. Mr. Hoover moved to ratify the approval and execution by the Mayor of the Disclosure Statements with IOA RE for Stop Loss Medical Insurance coverage and with Individualized Care Management, Inc. for medical utilization services, under the date of February 14, 2006. Second by the Mayor. Vote: Ayes.

The City Attorney then presented the Disclosure Notice to lock in the rates for the Organ and Tissue Transplant Policy just added to our policy with AIG Life Insurance. It arrived via e-mail just today, she noted. Mr. Hoover moved to ratify the approval and execution by the Mayor of this Disclosure Notice with AIG Life Insurance Company for the organ and tissue transplant policy. Second by Mayor Henderson. Vote: Ayes.

Ms. Koons-Davis next recounted that at the February 9<sup>th</sup> meeting the Board delegated authority to the Mayor to sign Outdoor Lighting Agreements in the Board's behalf so that the agreements do not need to go before the Board each time one is submitted. Some agreements, she told the Board, have been going to Planning Director Ed Ferguson, although she is not sure why. Mr. Ferguson has been reviewing and signing off on them. Counsel asked if the Board wanted this practice to continue, with the Mayor signing after Mr. Ferguson. At the Mayor's suggestion, Mr. Hoover moved to direct the Planning Director to review all Outdoor Lighting contracts before they are submitted to the Mayor, with the Mayor to sign at his discretion on the Board's behalf. Second by the Mayor. Vote: Ayes.

On his Status of Tasks, Mr. Peoni first brought an Inspection & Testing Agreement for 1<sup>st</sup> Indiana Bank. Mr. Hoover moved to accept the Inspection & Testing Agreement, with second by the Mayor. Vote: Ayes.

Indiana American Office Parke, Lot 2, also had an Inspection & Testing Agreement for acceptance. At Mr. Peoni's recommendation, Mr. Hoover moved to accept this agreement. Second was by the Mayor. Vote: Ayes.

Mr. Hoover moved to approve the claims through February 23, 2006. Second by Mayor Henderson. Vote: Ayes.

With no further business, the meeting adjourned at 7:00 p.m.

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Charles E. Henderson, Mayor

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Kathie Fritz, Deputy Clerk